

JONES DAY

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April 17, 2008

VIA EMAIL

Ann M. St. Peter-Griffith
Assistant U.S. Attorney
U.S. Department of Justice
99 N.E. 4 Street, Suite 300
Miami, FL 33132

Re: U.S. ex rel. Ven-a-Care of the Florida Keys, Inc.. v. Abbott Laboratories, Inc.
Case No. 06-CV-11337

Dear Ann:

We are in receipt of your letter, dated April 11, 2008. I am a little confused about the United States' objection to our snap-back of documents bates labeled ABT-DOJ 326756 and 326772. As you may recall, I snapped these documents back at Day 2 of David Fishman's Deposition. *See* Deposition of David Fishman Vol. II at pp. 600-01, 616-17. At that time, there was no objection raised by you or relator's counsel to my snap-back or the timeliness of my snap-back. *See id.* In fact you even destroyed one copy of the document in front of me because it had your handwriting on it. *See id.* at 617. As to these documents, Jason's April 8, 2008 letter to Renee was simply a reminder that those two documents had been snapped back at the deposition and a request for confirmation that all other copies have been destroyed.

To the extent the United States still objects to Abbott's designation of ABT-DOJ 326756 and 326772 as privileged on timeliness or any other grounds, please let me know so that we can file the appropriate motion with the Court. If the United States is no longer objecting to Abbott's designation, please confirm that all copies of these documents have been destroyed, including any copies that you have circulated to any other counsel that has signed the Protective Order.

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I look forward to hearing from you about this issue.

Very truly yours,

/s/ Toni-Ann Citera
Toni-Ann Citera

cc: Jason G. Winchester
Carol P. Geisler